

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTINE EDWARDS,

Plaintiff,

v.

LOUIS DEJOY,

Defendant.

24-CV-330-LJV
DECISION & ORDER

On August 14, 2024, the defendant, Louis DeJoy, moved to dismiss the complaint. Docket Item 9. This Court then issued a scheduling order requiring the pro se plaintiff, Christine Edwards, to respond by September 5, 2024, and giving DeJoy until September 19, 2024, to reply. Docket Item 11. When Edwards did not respond by the September 5 deadline, this Court ordered Edwards to show cause, by November 25, 2024, why it “should not decide the motion to dismiss based only on the defendant’s submissions.” Docket Item 13. Edwards did not respond to the Court’s order to show cause, and the time to do so has long passed.

On November 26, 2024, this Court ordered Edwards to show cause “why her claims should not be deemed abandoned and dismissed” based on her failure to respond to DeJoy’s motion. Docket Item 14; *see, e.g., Johnson v. Comm’r of Soc. Sec.*, 519 F. Supp. 2d 448-49 (S.D.N.Y. 2007) (noting that because plaintiff failed to respond to motion to dismiss, Court “may deem [plaintiff’s] claims [to be] abandoned”); *Palmer v. BCE Inc.*, 2004 WL 1752601, at *2 (W.D.N.Y. Aug. 4, 2004) (finding that plaintiff’s “failure to respond to defendant’s motion to dismiss evidences his abandonment of the action”). The Court cautioned that “[i]f Edwards does not respond by December 27,

2024, this Court will deem her claims abandoned and grant the defendant's motion to dismiss on that basis." Docket Item 14.

Edwards failed to respond to this Court's order to show cause, and the time to do so has passed. Accordingly, this Court deems Edwards's claims to be abandoned. What is more, if this Court chose to address the merits based on the papers before it, the Court would grant the motion to dismiss because the claims are time barred. The Court therefore GRANTS DeJoy's motion to dismiss, Docket Item 9, and the Clerk of the Court shall close this case.

SO ORDERED.

Dated: January 15, 2025
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE